

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 115

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO EDUCATION; ENACTING THE INDIAN EDUCATION ACT;  
PRESCRIBING POWERS AND DUTIES; CREATING A FUND; REPEALING AND  
ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the  
"Indian Education Act". "

Section 2. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] PURPOSE OF ACT. -- The purpose of the Indian  
Education Act is to:

A. ensure equitable and culturally relevant  
learning environments, educational opportunities and culturally

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[bracketed material] = delete

1 relevant instructional materials for American Indian students  
2 enrolled in public schools;

3 B. ensure maintenance of native languages;

4 C. provide for the study, development and  
5 implementation of educational systems that positively affect  
6 the educational success of American Indian students;

7 D. ensure that the department of education partners  
8 with tribes to increase tribal involvement and control over  
9 schools and the education of students located in tribal  
10 communities;

11 E. encourage cooperation among the educational  
12 leadership of Arizona, Utah, New Mexico and the Navajo Nation  
13 to address the unique issues of educating students in Navajo  
14 communities that arise due to the location of the Navajo Nation  
15 in those states;

16 F. provide the means for a formal government-to-  
17 government relationship between the state and New Mexico tribes  
18 and the development of relationships with the education  
19 division of the bureau of Indian affairs and other entities  
20 that serve American Indian students;

21 G. provide the means for a relationship between the  
22 state and urban American Indian community members to  
23 participate in initiatives and educational decisions related to  
24 American Indian students residing in urban areas;

25 H. ensure that parents; tribal departments of

1 education; community-based organizations; the department of  
2 education; universities; and tribal, state and local  
3 policymakers work together to find ways to improve educational  
4 opportunities for American Indian students;

5 I. ensure that tribes are notified of all curricula  
6 development for their approval and support;

7 J. encourage an agreement regarding the alignment  
8 of the bureau of Indian affairs and state assessment programs  
9 so that comparable information is provided to parents and  
10 tribes; and

11 K. encourage and foster parental involvement in the  
12 education of Indian students. "

13 Section 3. A new section of the Public School Code is  
14 enacted to read:

15 "[NEW MATERIAL] DEFINITION. --As used in the Indian  
16 Education Act, "tribe" means an Indian nation, tribe or pueblo  
17 located within New Mexico. "

18 Section 4. A new section of the Public School Code is  
19 enacted to read:

20 "[NEW MATERIAL] STATE BOARD-- TRIBES-- RULEMAKING. --The  
21 state board, in consultation with tribes, may adopt and  
22 promulgate rules to implement the provisions of the Indian  
23 Education Act. "

24 Section 5. A new section of the Public School Code is  
25 enacted to read:

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underscored material = new  
[bracketed material] = delete

1           "[NEW MATERIAL] INDIAN EDUCATION DIVISION-- CREATED--  
2 ASSISTANT SUPERINTENDENT-- DUTIES.

3           A. The "Indian education division" is created  
4 within the department of education. The state superintendent  
5 shall appoint an assistant superintendent for Indian education,  
6 who shall direct the activities of the division.

7           B. The Indian education division shall:

8                   (1) provide assistance to school districts and  
9 tribes to meet the educational needs of American Indian  
10 students;

11                   (2) provide assistance to school districts and  
12 tribes in the planning, development, implementation and  
13 evaluation of curricula in native languages, culture and  
14 history designed for American Indian students;

15                   (3) provide assistance to school districts and  
16 tribes to develop curricula and instructional materials in  
17 native languages, culture and history in conjunction and by  
18 contract with native language practitioners and tribal elders,  
19 unless the use of written language is expressly prohibited by  
20 the tribe;

21                   (4) establish an Indian education advisory  
22 council;

23                   (5) by January 2006, enter into agreements  
24 with each tribe or authorized tribal educational entity to  
25 share programmatic information and to coordinate technical

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1 assistance for public schools that serve American Indian  
2 students;

3 (6) seek funds to establish an Indian  
4 education office in the northwest corner of the state to  
5 implement agreements with each tribe or authorized tribal  
6 educational entity, monitor the progress of American Indian  
7 students and coordinate technical assistance at the public  
8 schools that serve American Indian students;

9 (7) require school districts to obtain a  
10 signature of approval by the tribal governments or tribal  
11 government designees residing within school district  
12 boundaries, verifying that the tribes agree to Indian education  
13 policies and procedures pursuant to federal requirements; and

14 (8) seek funds to establish, develop and  
15 implement the following support services for the purposes of  
16 increasing the number of American Indian teachers and  
17 principals and providing continued professional development for  
18 educational assistants, teachers and principals serving  
19 American Indian students, in conjunction with the Indian  
20 education advisory council:

- 21 (a) recruitment and retention;
- 22 (b) academic transition programs;
- 23 (c) academic financial support;
- 24 (d) teacher preparation;
- 25 (e) teacher induction; and

- 1 (f) professional development;
- 2 (9) develop curricula to provide instruction
- 3 in tribal history and government and develop plans to implement
- 4 these subjects into history and government courses in school
- 5 districts throughout the state;
- 6 (10) ensure that native language bilingual
- 7 programs are part of a school district's professional
- 8 development plan, as provided in Section 22-2-2 NMSA 1978; and
- 9 (11) develop a plan to establish a post-
- 10 secondary investment system for Indian students to which
- 11 parents, tribes and the state may contribute."

12 Section 6. A new section of the Public School Code is

13 enacted to read:

14 "[NEW MATERIAL] ADVISORY COUNCIL. --

15 A. The "Indian education advisory council" shall

16 consist of fourteen members as follows:

- 17 (1) four representatives from the Navajo
- 18 Nation;
- 19 (2) two representatives, one from the
- 20 Mescalero Apache Tribe and one from the Jicarilla Apache
- 21 Nation;
- 22 (3) four representatives, two from the
- 23 southern pueblos and two from the northern pueblos; and
- 24 (4) four members representing urban areas, the
- 25 bureau of Indian affairs, head start organizations and the

1 general public, at least one of whom shall be non-Indian, but  
 2 all of whom shall have knowledge of and involvement in the  
 3 education of Indian students.

4 B. On a semi annual basis, representatives from all  
 5 tribes, members of the state board, the governor's office, the  
 6 New Mexico office of Indian affairs, the legislature, the state  
 7 superintendent and the Indian education advisory council shall  
 8 meet to assist in evaluating, consolidating and coordinating  
 9 all activities relating to the education of American Indian  
 10 students.

11 C. Members of the Indian education advisory council  
 12 may receive per diem and mileage as provided for nonsalaried  
 13 public officers in the Per Diem and Mileage Act. "

14 Section 7. A new section of the Public School Code is  
 15 enacted to read:

16 "[NEW MATERIAL] REPORT. --

17 A. The Indian education division in collaboration  
 18 with the education division of the bureau of Indian affairs and  
 19 other entities that serve American Indian students shall submit  
 20 an annual statewide American Indian education status report to  
 21 all tribes.

22 B. A school district with tribal lands located  
 23 within its boundaries shall provide a districtwide American  
 24 Indian education status report to all tribes represented within  
 25 the school district boundaries.

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1 C. The status reports shall be written in a brief  
2 format and shall include the following information, through  
3 which public school performance is measured and reported to the  
4 tribes:

- 5 (1) student achievement as measured by a  
6 statewide test approved by the state board, with results  
7 disaggregated by ethnicity;
- 8 (2) school safety;
- 9 (3) the dropout rate;
- 10 (4) attendance;
- 11 (5) parent and community involvement;
- 12 (6) educational programs targeting American  
13 Indian students;
- 14 (7) financial reports;
- 15 (8) current status of federal Indian education  
16 policies and procedures;
- 17 (9) school district initiatives to decrease  
18 the number of student dropouts and increase attendance;
- 19 (10) public school use of variable school  
20 calendars; and
- 21 (11) school district consultations with parent  
22 advisory committees. "

23 Section 8. A new section of the Public School Code is  
24 enacted to read:

25 "[NEW MATERIAL] FUND CREATED. --

